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September 8, 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**VIA HAND DELIVERY**

Mr. William F. Caton

Acting Secretary

Federal Communications Commission

1919 M Street, N.W. - Room 222

Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: CC Docket No. 92-297

Dear Mr. Caton:

On behalf of the Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association, we are filing an original and seven (7) copies of a Corrigendum to the Executive Summary of its Comments on Third Notice of Proposed Rulemaking in the above-referenced matter.

If there are any questions, please communicate with the undersigned.

Respectfully submitted,

FLETCHER, HEALD & HILDRETH, P.L.C.

*Leonard Robert Raish*

Leonard Robert Raish

For the Fixed Point-to-Point Communications  
Section, Network Equipment Division of the  
Telecommunications Industry Association

LRR:cej  
Enclosures

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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

In the Matter of )

)  
)  
Rulemaking to Amend Parts 1, 2, 21, and 25 )  
of the Commission's Rules to Redesignate )  
the 27.5 - 29.5 GHz Frequency Band, to )  
Reallocate the 29.5 - 30.0 GHz Frequency )  
Band, to Establish Rules and Policies for )  
Local Multipoint Distribution Service and )  
for Fixed Satellite Services )

CC Docket No. 92-297

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OFFICE OF SECRETARY

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**CORRIGENDUM**  
**TO EXECUTIVE SUMMARY**  
**COMMENTS ON THIRD NOTICE OF PROPOSED RULEMAKING**

FIXED POINT-TO-POINT COMMUNICATIONS  
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Dated: September 8, 1995

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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Local Multipoint Distribution Service and	)	
for Fixed Satellite Services	)	

**CORRIGENDUM**

The attached should be substituted for the first page of the Executive Summary of the Comments filed by the undersigned on September 7, 1995 on the Third Notice of Proposed Rulemaking in the above cited proceeding. A page from an earlier working "draft" inadvertently became included in the aforementioned Comments as they were being assembled for filing.

Respectfully submitted,

Fixed Point-to-Point Communications Section,  
Network Equipment Division of the  
Telecommunications Industry Association

By: Leonard Robert Raish  
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Dated: September 8, 1995

## CORRIGENDUM

### EXECUTIVE SUMMARY

In its *Third Notice of Proposed Rulemaking* in this proceeding, the Commission has proposed to effectively exclude terrestrial point-to-point services from the 28 GHz band which has been allocated on a co-primary basis to the Fixed and Fixed Satellite services since 1979.

The Commission's tentative decision distorts the record in this proceeding, contravenes the public interest, and is arbitrary and capricious. On the basis of a 1991 ruling, the Commission concludes that "we have made sufficient point-to-point spectrum available for support of wired and wireless telecommunications systems for the present." *Third Notice*, para. 53. In fact, however, the amount of spectrum available for short-haul microwave services has steadily diminished over the past four years just as the critical need for such services has climbed. Traditional short haul private operational microwave remains extremely important to commerce and the American public. Its uses continue to expand, sponsored, in part, by significant structural changes in such basic industries as banking and health care. Over the next decade, moreover, microwave facilities on frequencies above the 12 GHz band will provide essential links for PCS backbone networks, local area and competitive access network interconnections, SONET/ATM access networks and ring closures, and other advanced technology applications.

Each of these existing and emerging industries will, in turn, need to compete for microwave spectrum with incumbent 2 GHz and 12 GHz microwave licensees, which the Commission is displacing or has displaced to higher frequencies. Already, many suitable frequency bands are heavily congested, or threaten to become so in the very near future. The Commission has ignored these industry trends, as well as the results of its own administrative actions.